Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Petition by the State E-rate Coordinators' Alliance)	
for Clarification and/or Waiver of E-rate Rules)	CC Docket No. 02-6
Concerning Technology Plan Creation and)	
Approval Under the Schools and Libraries)	
Universal Service Support Mechanism)	

Comments from the Wisconsin Department of Public Instruction
(Filed May 10, 2007)

The Wisconsin Department of Public Instruction (department) appreciates the opportunity to comment on the petition by the State E-rate Coordinators' Alliance (SECA) related to technology plans. The department is both the state education and state library agency.

In March 2002, the department submitted comments to the FCC in response to the Commission's *Notice*[1] released January 25, 2002. We believe the opening section of our comments more than five years ago is as relevant today as it was in 2002:

> The background section of the NPRM states, "Oversight of such a far-reaching program is necessarily intensive and complex." We disagree. It does not, necessarily, have to be this way. But through a myriad of complex rules coupled with a seemingly endless program cycle implementation process, the FCC and the Schools and Libraries Division (SLD) have created a complex program that results in an equally intense and complex oversight process.[2]

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[1] *Notice of Proposed Rulemaking and Order in the Matter of Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6, released January 25, 2002. Paragraph 11.
[2] Wisconsin Department of Public Instruction Comments filed March 2002 in regard to *Notice of Proposed Rulemaking and Order in the Matter of Schools and Libraries Universal Service Support Mechanism,* CC Docket No. 02-6.

While these comments were targeted at the overall E-rate program, the current issue of technology plans is a perfect example of how a well intended program, which our department strongly supports, has gone so seriously—and sadly—off-track. The Commission has taken a rather innocuous statement in the original report by the Joint Board, that requiring technology plans would not be "unduly burdensome," [3] but over the years has turned it into an unduly burdensome requirement for schools and libraries.

We recall the early years of the program when state E-rate coordinators were repeatedly assured by the then Schools and Libraries Corporation (SLC) that it was not going to define what had to be in a technology plan nor get into establishing burdensome rules and regulations in this area. Unfortunately, those good intentions gave way to an oppressive regimen and the result is a condition reflective of the overall E-rate program itself: a worthy program beset by confusing rules, a confusing application process, and a confusing payment process that creates a very confused and very frustrated applicant community. For example, in the area of technology plans we see FCC or SLD references to when a plan is created, written, drafted, approved, developed, or amended. Each of these terms may apply differently in relation to the timeframe for filing Forms 470, 471, and 486, and they are further affected by the applicant's service start date. Trying to determine what status one's technology plan has to be in (created, written, approved, etc.) when filing which form has turned into a "gotcha" used by overly zealous application reviewers to deny an applicant's legitimate requests for discounts. Even the article titled "Overview of the Technology Plan Approval (TPA) Review Process" in the SLD *News Brief* of March 23, 2007, is itself an example of bewildering complexity—and the information in this article refers only to a Form 486 plan review process![4] Is it any wonder why applicants are confused and frustrated?

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[3] *Recommended Decision*, by the Federal-State Joint Board, CC Docket No. 96-45, released November 8, 1996. Paragraph 601.
[4] Footnote five on page five of the SECA petition is reference to Wisconsin's statewide application on telecommunications services for BadgerNet, our statewide network. This issue was finally resolved in mid-April 2007. The requests by the Form 486 reviewer asked for technology plan approval letters for schools that were not even in Wisconsin. Repeated attempts to have a phrase like "plan creation date" defined were met with less than helpful responses. This 486 technology plan letter review held up $4,804,345.49 in discounts for more than six months. And the 468 plan letter review is *after* the applicant has already received a funding commitment letter.

Recommendations from the Wisconsin Department of Public Instruction

While we agree with many of the technology plan issues raised by SECA, we encourage the Commission to take the actions needed to really address the multitude of problems associated with the current technology plan rules and regulations. Our suggestions below are not mutually exclusive but represent a variety of actions the Commission should consider to extricate itself—and applicants—from the current technology plan morass.

1) The FCC should eliminate the technology plan requirement. Do the beneficiaries of other USAC programs have to tell the Commission how they will use their discounted services?

2) The FCC should eliminate the plan requirement for all Priority 1 services. In its Fifth Order the Commission declined to remove the plan requirement for Internet access because it wanted to ensure "that applicants have carefully considered how to employ the service." [5] Over 99% of schools and libraries now have Internet access. They very much know how to employ it, and thus the plan requirement should be removed. Because the Commission deregulated the underlying circuit for Internet access in August 2005, it should remove the plan requirement for the circuit too. As we noted in our comments filed in response to the Commission's major review of the E-rate program, "Telecommunications and Internet access are core services for schools and libraries. Asking for a technology plan for these services is like asking for a plan for using electricity."[6] Removing the plan requirement for all Priority 1 services would also eliminate the bizarre plan requirement for CENTREX services. We have made this request repeatedly for years, but to no avail. POTS does not require a technology plan, but CENTREX is not considered "basic service" and thus requires a plan. For most educators and library staff the primary benefit of CENTREX is that they need dial only five digits instead of seven digits to reach another party in their school or library. If dialing seven digits does not require a plan, why does dialing five digits require one?

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[5] *Fifth Report and Order.* CC Docket No. 02-6, (released August 13, 2004). Paragraph 62, "[W]e decline to eliminate the [technology plan] requirement for those seeking internet access, because we believe that certified plans are important to ensuring that applicants have carefully considered how to employ the service."

3) The FCC and SLD should get out of micromanaging a school or library's technology plan. *Note:* We certainly think it is good practice and important for schools and libraries to have technology plans. We just do not think that the FCC should be micromanaging plans from Washington, D.C. Such managing is a local school or library board responsibility. The review and approval of plans should be done by the state education or library agency, and that's where the process stops.

SECA has raised very real technology plan issues in its petition, but the Wisconsin Department of Public Instruction requests the Commission to consider the more fundamental changes we have proposed above. Thank you.

Sincerely,

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[6] DPI comments to the *Notice of Proposed Rulemaking on the Comprehensive Review of Universal Service Fund Management, Administration and Oversight* (WC Docket No. 05-195), released June 14, 2005.